to be charged, at the time of, and in respect to, the very transaction out of which the injury arose. *Forsyth* v. *Hooper,* 11 Allen (Mass.) 419; *Wood* v. *Cobb,* 13 Allen (Mass.) 58; *Wyllie* v. *Palmer,* 137 N. Y. 248 (257); WOOD, MASTER AND SERVANT, p. 10, sec. 7. No presumption of the relation of master and servant results from the mere fact of the domestic relationship. *Maddox* v. *Brown,* 71 Me. 432; *M'Calla* v. *Wood,* 2 N. J. L. 86; *Kumba* v. *Gilham,* 103 Wis. 312; SCHOULER, DOMESTIC RELATIONS, sec. 263; THOMPSON, NEGLIGENCE, sec. 537. The cases which hold the owner of an automobile liable as master argue that the machine was purchased and operated for family use; that, at the time of the accident, the driver was engaged in carrying out the general purpose for which the machine was bought and kept; that, as it was taken out at the time in pursuance of authority from the owner to take it for the pleasure of the family, and the driver, as a member of it, the driver was engaged in the exercise of the owner's business,—supplying of recreation to members of the family. Cases taking the opposite view attempt to meet this line of argument by saying that such reasoning bases the creation of the relation of master and servant upon the purpose which the owner had in mind in acquiring the ownership of the automobile, and its permitted use by the driver, ignoring an essential element in the creation of that status, as to third persons, viz.: that such use must have been in the furtherance of, and not apart from, the master's service and control; that it interdicts the owner's generosity, and his reasonable care for the pleasure, and even the well-being, of the members of his family, by imposing a universal responsibility for their acts; that it fails to distinguish between a mere permission to use, and a use subject to the control of the master and connected with his affairs. The doctrine supported by the case of *Hutchins* v. *Haffner, supra,* seems to be founded more on a desire to insure a remedy to parties injured by the negligence of drivers of automobiles, by fixing the liability on someone financially responsible, and to avoid setting a premium on the failure of the owner to employ a competent chauffeur, than upon any logical application of the privileges involved in the relationship of master and servant.

MUNICIPAL CORPORATIONS—TRAFFIC ORDINANCE.—An ordinance of the city of Cleveland provided that "in case of accident to or collision with a person * * *, the person so driving or operating such vehicle shall stop and give such reasonable assistance as can be given * * *". Appellant was arrested and charged with violation of above ordinance in that she failed to render such reasonable assistance as could be given after her automobile knocked down A. *Held,* the ordinance was invalid for indefiniteness in that it failed to use the words "knowingly" or words of similar import. Second, that it took the time and money of a citizen without substantial compensation whether he is to blame or blameless for the injury. Third, that the ordinance fixed no standard of what constitutes reasonable assistance. *Henry* v. *Cleveland* (Ohio Ct. App., 1917), 39 Oh. C. C. 165.

The protection of life and limb is a matter of public concern and there is both power and obligation to pass and enforce reasonable police provisions.

Every ordinance must be definite and certain in its terms. MACQUILLAN, MUNICIPAL ORDINANCES, Sec. 651. In the instant case the court pointed out three particular reasons why the ordinance was indefinite. In the case of the food laws and Sunday closing laws, the failure to require knowledge on the part of the offender is not a mark of uncertainty. The court, however, distinguishes those cases by pointing out that the offender has control over the subject matter and can protect himself, while in this case the court was able to conceive of a situation, which, though highly improbable, was not within his control. The second reason seems to ignore the right of the state to take a limited amount of the property of blameless individuals by an exercise of the police power. *Noble State Bank* v. *Haskell,* 219 U. S. 104. The third reason is also very doubtful when considered in the light of those cases following "the rule of reason" laid down by the court in *The Standard Oil Co.* v. *United States,* 221 U. S. 1. In a very recent case in Ohio, not referred to, the Supreme Court held that a statute is valid if it is as definite and certain on the subject matter and the numerous situations arising thereunder, as the nature of the case and safety of the public will reasonably admit. *State* v. *Schaeffer* (Ohio), 117 N. E. 220.

PUBLIC OFFICERS—STATE TREASURER—LIABILITY FOR INTEREST ON FUNDS. —Defendant, a state treasurer, deposited in banks from time to time the funds received by him as treasurer and collected the interest for himself. *Held,* such treasurer is not entitled to interest. *State* v. *Schamber* (S. Dak., 1917), 165 N. W. 241.

There is a direct conflict of authorities on this question. In almost all of the adjudicated cases, courts recognize the fundamental proposition that interest is but an increment and goes with the principal. In a number of jurisdictions the question has been made to depend upon whether the relation of the treasurer to the state was that of debtor and creditor or whether it was that of trustee and *cestui que trust.* Perhaps the leading case supporting the view that the relation is that of debtor and creditor is *State* v. *Walsen,* 17 Colo. 170, which holds that a state treasurer who has received public money by virtue of his office is not liable for interest received on that money in the absence of a statutory provision to that effect. A county treasurer receives money as his own and cannot be required to account for and pay over amounts collected or received as interest on such money. *Shelton* v. *The State,* 53 Ind. 331. A public official is not chargeable with interest on the public funds in his hands although he may have received interest, unless he is required by law to place it in some safe depository as the money of the state. *Commonwealth* v. *Goldshaw,* 92 Ky. 435. A county treasurer is a special bailee and there can be no recovery of interest received by him after he has gone out of office. *Maloy* v. *Bd. of County Commissioners, Bernalillo,* 10 N. M. 638. The weight of authority, however, supports what seems to be the better view, that the interest which attaches to the principal belongs to the state and on failure to account for this the officer or his sureties may be held liable. This rule is applied notwithstanding the fact that the officer's liability was held or assumed to be absolute. *Adams* v. *Williams,* 97 Miss.